

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Carrington Mortgage Services, LLC

Plaintiff

vs.

Christopher E. Whitney and Christina E.
Emery n/k/a Christina E. Whitney

Defendants

CIVIL ACTION NO: 2:20-cv-00068-JDL

JUDGMENT OF FORECLOSURE AND
SALE

RE:

8 Red's Way, Raymond, ME 04071

Mortgage:

August 5, 2008

Book 26261, Page 279

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on July 19, 2022. Plaintiff, Carrington Mortgage Services, LLC, was present and represented by Reneau J. Longoria, Esq. Defendant, Christopher E. Whitney did not appear. Defendant, Christina E. Emery n/k/a Christina E. Whitney was present and consented to the entry of this Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is **GRANTED**. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff.

JUDGMENT on Count I – Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay Carrington Mortgage Services, LLC

(“Carrington”) the amount adjudged due and owing (\$389,495.41) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Carrington shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing:

Description	Amount
Principal Balance	\$240,555.41
Interest	\$42,460.29
Deferred Amounts	\$83,574.38
Escrow Balance	\$14,254.56
Corporate Advance	\$4,970.77
Expense Advance	\$3,680.00
Grand Total	\$389,495.41

2. If the Defendants or their heirs or assigns do not pay Carrington the amount adjudged due and owing (\$389,495.41) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Raymond Property shall terminate, and Carrington shall conduct a public sale of the Raymond Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$389,495.41 after deducting the expenses of the sale, with any surplus to the Defendants or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. Carrington may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency.
3. In the event that the Defendant, and anyone occupying the premises, do not vacate the property upon termination of his/her right to possession on or before November 1, 2022, Carrington may reopen this matter to seek a Writ of Assistance and/or Writ of Possession to be served by the U.S. Marshals Service pursuant to Federal Rule of Civil Procedure 4.1(a) consistent with this Judgment.
4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, if requested, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
- 5 The amount due and owing is \$389,495.41.

- 6 Carrington Mortgage Services, LLC has first priority, in the amount of \$389,495.41, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendants who have second priority.
7. The prejudgment interest rate is 6.62500%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is .15%, *see* 28 U.S.C. § 1961.
8. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	Carrington Mortgage Services, LLC 1600 South Douglass Road, Suite 200-A Anaheim, CA 92806	Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 303C Beverly, MA 01915
DEFENDANT	Christina E. Emery n/k/a Christina E. Whitney 8 Red's Way Raymond, ME 04071	Pro Se
	Christopher E. Whitney 8 Red's Way Raymond, ME 04071	Pro Se

- a) The docket number of this case is No. 2:20-cv-00068-JDL.
- b) The Defendants, the only parties to these proceedings besides Carrington, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 8 Red's Way, Raymond, ME 04071, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 8 Red's Way, Raymond, ME 04071.

The Mortgage was executed by the Defendants, Christina E. Emery n/k/a Christina E. Whitney and Christopher E. Whitney on August 5, 2008. The book and page number of the Mortgage in the Cumberland County Registry of Deeds is Book 26261, Page 279.

- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an *in rem* judgment against the property, 8 Red's Way, Raymond, ME 04071.

SO ORDERED.

Dated: July 20, 2022

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE